

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAMES STROUSE §
VS. § CIVIL ACTION NO. 4:09cv640
WARDEN KARL OF THE FANNIN
COUNTY JAIL, ET AL. §

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff James Strouse, an inmate presently confined at the Federal Correctional Institution Petersburg Medium, Petersburg, Virginia, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit. The case was referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation that (1) the Defendants' Motions to Dismiss and for Summary Judgment (docket entries #50 and 55) be granted; (2) to the extent that Plaintiff's "Motion for Summary of Judgment" (docket entry #89) can be construed as a motion for summary judgment, it should be denied; (3) this action be dismissed with prejudice for failure to state a claim upon which relief may be granted; and that final judgment be rendered in Defendants' favor and against Plaintiff; and (4) Plaintiff's complaint be dismissed with prejudice as frivolous pursuant to 28 U.S.C. § 1915A(b)(1). Plaintiff has filed objections (docket entry #91).

Plaintiff's objections simply repeat certain arguments he has already raised. The Magistrate Judge has already addressed each of these arguments in his Report and Recommendation and Plaintiff's objections add or change nothing.

Having made a *de novo* review of the objections raised by Plaintiff to the Report, the Court

is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Plaintiff's objections are without merit. Accordingly, the Court adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is therefore

ORDERED that the Defendants' Motions to Dismiss and for Summary Judgment (docket entries #50 and 55) are **GRANTED**; it is further

ORDERED that to the extent that Plaintiff's "Motion for Summary of Judgment" (docket entry #89) can be construed as a motion for summary judgment, it is **DENIED**; it is further

ORDERED that final judgment is rendered in favor of Defendants and against Plaintiff; it is further

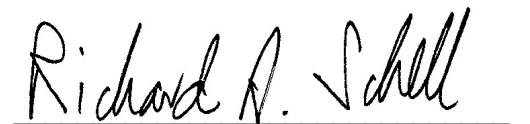
ORDERED that Plaintiff shall take nothing from this lawsuit. It is further

ORDERED that this action is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted and as frivolous pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that each party shall bear its own costs. It is finally

ORDERED that any and all motions not yet addressed are hereby **DENIED**.

SIGNED this the 29th day of September, 2011.



RICHARD A. SCELL
UNITED STATES DISTRICT JUDGE